

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

UNITED STATES OF AMERICA

vs.

CASE NO. 3:11-cr-70-J-20JRK

DEMETRIUS RICHARDO GALLOWAY  
a/k/a "MistaGway"

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**REPORT AND RECOMMENDATION<sup>1</sup>**

**I. Status**

Pursuant to Local Rule 6.01(c)(16), on November 18, 2020, the undersigned conducted the final revocation hearing in the above-captioned case, in which Defendant is charged in a Superseding Petition with four violations of supervised release.<sup>2</sup> The alleged violations are as follows:

1. **New criminal conduct, Failure to Register an Electronic Mail Address, countcristo28@gmail.com, occurring on January 21, 2020:** On January 21, 2020, the defendant was found to be in possession of an electronic mail address, to wit: countcristo28@gmail.com, and did use the electronic mail address without registering the address with the appropriate agency in violation of Florida Statute 943.0435(4)(e).
2. **New criminal conduct, Failure to Register an Electronic Mail Address, bhzprettyboy@yahoo.com, occurring on January 21, 2020:** On January 21, 2020, the defendant was found to be in possession of an electronic mail address, to wit: bhzprettyboy@yahoo.com, and did use the electronic mail address without registering the address with the appropriate agency in violation of Florida Statute 943.0435(4)(e).

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<sup>1</sup> "Within 14 days after being served with a copy of th[is] recommended disposition [of an alleged violation of supervised release], ... a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Crim. P. 59(b)(2). "Failure to object in accordance with this rule waives a party's right to review." *Id.*; see also 28 U.S.C. § 636(b)(1)(B); 11th Cir. R. 3-1; Local Rule 6.02.

<sup>2</sup> See Order (Doc. No. 83), entered November 17, 2020, referring the Superseding Petition to the undersigned for a final revocation hearing and a report and recommendation regarding the disposition of the petition.

3. **Use of a computer or online services:** On January 21, 2020, the defendant admitted to United States Probation Officer Julio Dominguez that he used a smart phone to access the internet and had accessed the internet for the past six months, without the approval of his probation officer.
4. **Unauthorized Possession of a Smart Phone:** On January 21, 2020, the defendant was in possession of a Motorola Moto Z4 smart phone, without the approval of his probation officer.

Defendant knowingly, willfully, and voluntarily admitted violating the Conditions of release as set forth in paragraphs one through four of the Superseding Petition. The undersigned finds that Defendant has violated the terms of his Supervised Release. Accordingly, it is

**RECOMMENDED THAT:**

The Court enter an **Order to Show Cause** why Defendant's supervised release should not be revoked as to violations one through four.

**RESPECTFULLY RECOMMENDED** at Jacksonville, Florida, on November 24, 2020.

  
JAMES R. KLINDT  
United States Magistrate Judge

mdc  
Copies to:

Hon. Harvey E. Schlesinger  
United States District Judge

Assistant United States Attorney (Brown)  
Maurice C. Grant, II, Esquire  
U.S. Probation